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DEPUTY WHIP

Commerce, Science, and Transportation

Environment and Public Works

Foreign Relations

Small Business and Entrepreneurship

Special Committee on Aging

United States Senate

WASHINGTON, DC 20510

April 4, 2008

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The Honorable Harry Reid
Majority Leader
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The Honorable Mitch McConnell
Minority Leader
S-230, The Capitol
Washington, DC 20510

The Honorable Robert Byrd
Chairman
Senate Appropriations Committee
S-131, The Capitol
Washington, DC 20510

The Honorable Thad Cochran
Ranking Member
Senate Appropriations Committee
Room 125, Senate Hart Building
Washington, DC 20510

Dear Majority Leader Reid, Republican Leader McConnell, Chairman Byrd, and Ranking Member Cochran:

I write to request that the Appropriations Committee and Senate leadership continue their support for the recovery of the Gulf Coast Region by including the President's budget request for emergency levee funding in the emergency supplemental appropriations bill.

Hurricane Katrina devastated Louisiana's levee system and a Corps of Engineers levee breach caused widespread and catastrophic flooding in the Greater New Orleans area. I am deeply appreciative of the funding for hurricane recovery that has been provided by the White House and Congress to date. Much progress has been made, but the recovery and protection efforts are far from over.

Without an adequate system of flood and levee protection are left vulnerable. If we do not invest now in a strong system of flood protection, we will pay the price later if, or when, another storm hits Louisiana.

The Administration requested nearly \$5.8 billion in for work to reach the 100-year level of hurricane protection and associated flood protection measures for the greater New Orleans area. I appreciate the President's efforts to fulfill his commitment of a 100-year level of protection for this region, but a number of modifications to the budget request for hurricane and flood protection funds associated with recovery efforts in Louisiana should be considered by Congress:

Timing

The Fiscal Year 2009 hurricane and flood protection funds have been proposed as emergency spending, is consistent with the urgency of this hurricane and flood protection work. However, I remain very concerned that the timing of the Fiscal Year 2009 appropriations process would prevent the Corps of Engineers from completing this work by the 2011 goal. Secretary Woodley testified in front of the

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Environment and Public Works Committee that the Corps of Engineers will need this funding prior to that start of the fiscal year to complete the work by 2011.

The last time Congress approved the Energy and Water Appropriations Bill prior to the end of the fiscal year was 2000, and that was the only time in the last 10 years.

Given the history of slow action in addition to the election year schedule, it does not seem likely that Congress will finish the Energy and Water Appropriations bill in a timely manner.

Funding Request: I request that the Senate Appropriations Committee include the president's budget request of \$5.8 billion for the Corps of Engineers to complete the 100 year level of flood protection for the Greater New Orleans Area in the 2008 Supplemental Appropriations bill.

Cost Share

The budget request sent to Congress would require the State of Louisiana to pay nearly \$1.8 billion over the next three to four years. This represents an increase of approximately 400 percent in Louisiana's cost share above pre-Katrina levels and must be reduced.

The Water Resources Development Act of 1996 (P.L. 104-303), the Iraq-Katrina Emergency Supplemental (P.L. 109-234), the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, Appropriations Act, 2007 (P.L. 110-28), and the Water Resources Development Act of 2007 (P.L. 110-114) provide the requisite authorization and legal precedent for non-Federal cost shares associated with hurricane and flood protection under the Lake Pontchartrain and Vicinity (LPV) and Southeast Louisiana (SELA) projects.

Under the original authorization (Flood Control Act of 1965 as amended), the LPV project is authorized at 70 percent Federal and 30 percent non-Federal. This cost share was re-confirmed by Congress in both the 4th Supplemental and WRDA 07. SELA-related work is authorized at 75% Federal and 25 percent non-Federal under Section 533(d) of WRDA 96. Further, Congress re-confirmed this cost allocation in the 5th Supplemental. The Westbank and Vicinity project (WBV) is authorized at approximately 65 percent Federal 35 percent non-Federal, the same percentages proposed by the Administration.

Based upon the Administration's figures, the application of a 65/35 cost share to all three hurricane and flood protection components (LPV, SELA and WBV) would result in an increase of over \$200 million in liabilities to the state. Under this proposal, the state would be required to pay an estimated \$1.8 billion over the next three to four years. This represents an increase of approximately 400% in non-Federal expenditures (Louisiana cost share) over pre-Katrina levels.

Further, the state, parishes, cities and towns have already allocated well over \$200 million to cost share on the LPV and WBV projects that were overwhelmed several times in the last 15 years and that failed to provide the authorized level of protection under Hurricane Katrina. The State of Louisiana should not be responsible for paying, once again, for a product that failed to perform to proper standards (the 100-year level of protection).

Funding Request: Given the significance and consequences of Hurricane Katrina on the state of Louisiana, which has numerous competing financial demands related to other essential services and recovery effort, I request additional federal funds so that the 100 year level of protection would be provided at 100 percent federal funds.

System of protection provided by the Corps of Engineers

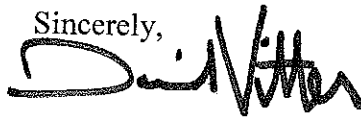
Congress required the Corps of Engineers to release a technical report on the alternatives for the outfall canals and pumping stations at the mouth of Lake Pontchartrain. The report said that one of the options to help address flood protection, a "pump to the river," was perceived as the best technical option. Unfortunately, it appears as though the Corps is planning to move forward with a cheaper option rather than the combination of options that together provides the best engineering, are most technically advantageous, and are more effective for a flood protection system than outfall canals and pump stations.

In order to ensure the best technical method is utilized, I respectfully request the Supplemental Appropriations bill include directive language to the Corps of Engineers as stated below. This language would ensure the Corps of Engineers uses the best technical methods available to provide the most comprehensive flood control measures for Jefferson Parish, Louisiana.

Language Request: *For providing the best system of flood protection for the outfall canals and pumping stations in Jefferson Parish, the Corps of Engineers shall utilize the best technical option as stated in the Corps of Engineers technical report required by section 4303 of the P.L. 110-28, that provides the "best operational flexibility as well as potential for regional flood protection" in combination with any other best technical method/option in the technical report in order to provide the most comprehensive flood control measures for Jefferson Parish.*

I am willing to help in anyway possible and appreciate your continued support for the Gulf Coast and prompt consideration to this matter.

Sincerely,



David Vitter
United States Senator